

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Raymond C. Kurzweil	Art Unit :	2626
Serial No. :	10/730,485	Examiner :	Douglas Godbold
Filed :	December 8, 2003	Conf. No. :	2555
Title :	USE OF AVATAR WITH EVENT PROCESSING		

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Appellant responds to the Examiner's Answer as follows:

Rejections of claims 1, 2, 5-12, 14-16, 19-25, 27-29, 32-41 and 43-45

Claim 15

Appellant contends that the examiner has misconstrued the elements of the claim. Claim 15 calls for, among other things, to “analyze the transactions, the subsequent text inputs and the voice-synthesized, follow-up responses about the transactions to produce market research information.” The examiner's remarks, however, refer to “**track[ing] previous interactions to generate information that is used to modify the behavior of the agent,**”¹ which is not an element of the claimed invention. For example, this characterization by the examiner fails to take into account at least the “voice-synthesized, follow-up responses” required by the claim.

Similarly, the interactions described by the examiner do not include voice-synthesized, follow-up responses. The examiner's examples of an agent remembering a user response, tracking purchases and other customer information, and remembering what purchases the customer has made on a previous visit are not voice-synthesized responses that are analyzed and do not suggest the claimed features.

¹ Examiner's Answer, page 12

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Therefore, Appellant maintains the position that Hayes-Roth does not disclose at least “analyz[ing] the transactions, the subsequent text inputs and the voice-synthesized, follow-up responses about the transactions to produce market research information.”

Claim 19

Appellant contends that the examiner's arguments are illogical in view of the features of the claim. Claim 19 requires that “one of the transactions is a request as to order status for an order being tracked in the database.” Such a transaction is established in the base claim, claim 15, as conducted based on transaction requests received as text inputs. The examiner's example of an agent asking the user a question cannot be a transaction of the kind required by claim 19 because it is not connected with a transaction request received as text input.

Further, the examiner contends that “**Hayes Roth specifically teaches that the agent may respond to customer questions and perform customer service functions**” and contends that “**it is clear that the intention of Hayes-Roth is to provide services that respond to customer inquiries.**”² These characterizations by the examiner of the teachings of Hayes-Roth appear directed to Appellant's use of transactions. The characterizations as with the teachings of the reference are neither the same as nor resemble the feature of “a request as to order status for an order being tracked in the database.” “Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” *Connell v. Sears, Roebuck & Co.*, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983).

Here, the examiner appears to identify different portions of the Hayes-Roth reference to make the argument that a person skilled in the art of virtual agents could derive the feature of “a request as to order status for an order being tracked in the database” of claim 19. However, even if this were true, which Appellant does not concede, this would not have any bearing on this rejection, which is an anticipation rejection, which requires that the elements of the rejected claim be present in the reference, as arranged as in the claim. The examiner further has not advanced an inherency argument that the feature would be inherent in the reference.

Therefore, Appellant maintains the position that Hayes-Roth does not disclose at least “one of the transactions is a request as to order status for an order being tracked in the database.”

² Examiner's Answer, page 13

Claim 20

Claim 20 calls for, among other things, instructions to “animate the avatar with a voice and facial movements corresponding to content found in the database.” Appellant contends that the cited portions of Hayes-Roth do not anticipate the elements of the claim. In particular, the examiner cites examples of “**an animated agent that uses animated gestures,**” “**providing expertise to customers through the use of an animated agent,**” “**pairing animation with TTS,**” “**various interface input/output technologies,**” and “**animated characters in the drawings.**”³ None of these things described by the examiner are a disclosure of animating the avatar with a voice and facial movements corresponding to content found in the database, as claimed. “Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” *Connell v. Sears, Roebuck & Co.*, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983).

Similar to the examiner’s remarks regarding claim 19, the examiner appears to identify different portions of the Hayes-Roth reference to suggest that a person skilled in the art of virtual agents could derive “animate the avatar with a voice and facial movements corresponding to content found in the database” of claim 20. However, even if this were true, which Appellant does not concede, this would not have any bearing on this anticipation rejection.

Therefore, Appellant maintains the position that Hayes-Roth does not disclose at least “animat[ing] the avatar with a voice and facial movements corresponding to content found in the database.”

³ Examiner’s Answer, page 14

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This Reply Brief is accompanied by a Request for Oral Argument.

For these reasons, and the reasons stated in the Appeal Brief, Appellant submits that the final rejection should be reversed.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: February 23, 2011_____

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